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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,960	09/28/2001	Michael F. Angelo	1662-40100 (P00-3336)	3303
23505	7590	06/20/2005	EXAMINER	
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267			PYZOWCHA, MICHAEL J	
		ART UNIT		PAPER NUMBER
		2137		

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/965,960	ANGELO ET AL.	
	Examiner Michael Pyzocha	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 September 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-51 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 September 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

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**DETAILED ACTION**

1. Claims 1-51 are pending.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 9 recites the limitation "said encrypted key" in line

2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 1-4, 10-11, 20-22, 40, 44-46, 48-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Kenichi (JP 08251660).

As per claims 1 and 40, Kenichi discloses generating a security message; (b) transmitting said security message to said portable electronic device; performing a destructive action on said portable electronic device in response to said security message (see abstract, paragraphs 9 and 19).

As per claims 2-3 and 44, Kenichi discloses the destructive action includes erasing memory, which destroys a portion of the portable electronic device (see abstract).

As per claims 4 and 45-46, Kenichi discloses the destructive action prevents the portable electronic device from transmitting or releasing information (see abstract and paragraph 22).

As per claims 10-11, Kenichi discloses (b) occurs after a request has been received to perform the destructive action wherein a person or entity is authorized to cause (b) to happen and (b) occurs after said requesting person or entity is verified (see paragraphs 18-20).

As per claims 20-22 and 48-50, Kenichi discloses permitting a specified number of tasks to be performed during a specified period of time and performing (c) after either said specified

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number of tasks have been performed and the specified time period has expired (see paragraphs 18-20).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 5-9, 12, 23-27, 35-39, 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenichi as applied to claims 1 and 40 above, and further in view of Menezes et al (Handbook of Applied Cryptography).

As per claims 5-7 and 41, Kenichi fails to disclose digitally signing and verifying the security message.

However, Menezes et al teaches such a digital signature (see pages 22-23).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Menezes et al's digital signature on the security message of Kenichi.

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Motivation to do so would have been for authentication, authorization, and non-repudiation (see page 22).

As per claim 8, the modified Kenichi and Menezes system discloses encrypting the key (see page 552). At the time of the invention it would have been obvious to a person of ordinary skill in the art to encrypt the key. Motivation to do so would have been to secure stored keys (see page 552).

As per claim 9, the modified Kenichi and Menezes system discloses only that person or entity is capable of causing said encrypted key to be decrypted so as to be used to digitally sign the security message (see paragraphs 18-20 and pages 388-389 where Menezes requires a password to obtain access which in this case is access to the decryption).

As per claims 12 and 42-43, the modified Kenichi and Menezes system discloses encrypting and decrypting the security message (see page 12) where it would have been obvious at the time of the invention to a person of ordinary skill in the art to encrypt the security message to obtain confidentiality (see page 12).

As per claims 23-27 and 35-39, the modified Kenichi and Menezes system discloses these claimed limitations as similarly applied to the above claims. Where claims 38 and 39 are well known properties of any device storing a decryption key and

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therefore Official notice is taken that it would have been obvious to a person of ordinary skill in the art for the portable electronic device to have the properties that the key cannot be overwritten and cannot be copied in order to protect the key.

9. Claims 13-17 and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenichi and the modified Kenichi and Menezes as applied to claims 1 and 23 above, and further in view of Schneier et al (US 5956404).

As per claims 13-17 and 28-32, Kenichi alone or in combination with Menezes fails to disclose digitally signing the security message and including a unique value that changes each time and this unique value being various things.

However, Schneier et al teaches such a digital signature with unique value (see column 4 lines 11-26).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Schneier et al's digital signature with unique value to sign the security message of Kenichi and the modified Kenichi and Menezes et al systems.

Motivation to do so would have been to provide and audit trail (see column 3 lines 41-49).

10. Claims 18-19, 33-34, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenichi and the

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modified Kenichi and Menezes as applied to claims 1, 23 and 40 above, and further in view of Baweja et al (US 6874130).

As per claims 18, 33 and 51, Kenichi alone or in combination with Menezes fails to disclose permitting the destructive action to be aborted once the security message is received by the portable electronic device.

However, Baweja et al teaches the ability to abort a destructive action (see column 6 lines 10-15).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Baweja et al's method of aborting a destructive action in the system of Kenichi and Menezes.

Motivation to do so would have been to authorize the deletion of the files (see column 6 lines 10-15).

As per claims 19 and 34, the modified Kenichi, Menezes and Baweja system discloses the further limitation require a key (see Menezes pages 388-389 where the password is the key).

11. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kenichi as applied to claim 40 above, and further in view of Lin (US 20010032236).

As per claim 47 Kenichi fails to disclose the security message causes said portable electronic device to report location information to the security station.

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However, Lin teaches transmitting a location to a station (see paragraph 131).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Lin's transmission of location information to the station of Kenichi.

Motivation to do so would have been to continuously know the location of the device (see paragraph 131).

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shimizu et al (US 6085323) discloses destroying confidential information when a device is stolen, Sonobe (US 6167519) discloses erasing information on a portable device, Hakomori (US 6370402) discloses deleting information if a device is stolen and allowing only a certain number of tasks or times to be performed, and Wheeler et al (US 20040128508) discloses a digital signature with a unique value.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MJP

**ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER**